United States Patent and Trademark Office

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,775	06/04/2001	Larry C. Sarver	2543-010814	2319

7590 10/25/2004	**EXAMINER**
WEBB ZIESENHEIM LOGSDON	MASINICK, MICHAEL D
ORKIN & HANSON P.C.	

ART UNIT	PAPER NUMBER
2125	

DATE MAILED: 10/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 August 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>7-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>7-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments as discussed in the response to initial office action have been read and are found to be non-persuasive. Particularly, applicant's arguments as to why a smart card technology would be advantageous (as presented starting on the bottom of page 5 and continuing to page 6 of the response to office action) are precisely the reasoning used by the examiner as reasons to combine the references used in this rejection.

Applicant's argument is based upon what data is present and stored on the smart card (in this case, irrigation program data). Examiner maintains that the data stored on a smart card is irrelevant to the substitution of a smart card for the memory modules of Brundisini. All claim elements are clearly shown when the references are properly combined.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Smart Card and Security Basics" by CardLogix in view of U.S. Patent No. 4,937,732 to Brundisini.

3.   Referring to claims 1 and 7, CardLogix shows a method of transmitting process control instructions from a remote site to a site of process control comprising the steps of: a) storing data

on a portable memory card at one location; b) transporting the memory card to another location;

c) transferring the data from the memory card to a memory card reader; d) transferring the data

from the memory card reader to a computer; e) storing the data in the computer of step (d); and f)

operating a system by the computer of step (d) according to the data stored in step (e). All steps

above are well documented pieces of well known smart card technology as clearly shown in the

"Smart Card and Security Basics" document.

4.   CardLogix does not show that the data stored on the card can be process control

instructions which can control a process control system.

5.   Brundisini shows an irrigation controller for controlling a plurality of watering stations

where individual portable memory modules contain process control instructions which control

the irrigation of individual stations.

6.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to use the Smart Card technology of CardLogix as the portable memory module of the

current invention (with obvious modifications such as adding a card reader) because "Smart

cards greatly improve the convenience and security of any transaction. Smart cards would also

be much less cumbersome than the "memory modules" of Brundisini.

7.   Referring to claim 8, Brundisini shows wherein the process control instructions comprise

a schedule for delivering water in an irrigation system (Col 2, line 62 – Col 3, line 7).

8.   Referring to claim 9, Brundisini shows wherein the process control instructions comprise

a schedule for opening a valve on an irrigation water line ("Water station is activated" - Col 2,

line 62 – Col 3, line 7).

9.   Referring to claim 10, Brundisini shows wherein the process control instructions

comprise flow rate for water in an irrigation water line ("...allowing the user great flexibility in

prescribing the exact watering schedule desired" – Col 1, lines 37-40). Examiners notes that the

"exact watering schedule desired" would obviously contain the flow rate of the watering valves,

without which the schedule is meaningless.

10.   Referring to claim 11, CardLogix shows wherein step (c) comprises entering a security

code into the memory card reader to allow transfer of the process control instructions to the

memory card reader (Page 18). Examiner notes that Pin Number and Key Technologies are well

known in the Smart Card industry.

11.   Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 6,437,692 to Petite in view of "Smart Card and Security Basics" by CardLogix in view of

U.S. Patent No. 4,937,732 to Brundisini as shown above.

12.   Referring to claim 12-15, Petite shows a method of monitoring an irrigation site

comprising the steps of. a) collecting process data from an irrigation system at one location

wherein the process data comprises flow rate, totalized flow, equipment status, or environmental

conditions at the irrigation site (Abstract, Figure 1). Petite also shows a step of adjusting process

conditions for the irrigation system based on the process data transferred to the other location

(Figure 3D).

13.   Petite does not show storing the process data of step (a) on a smart card; c) transporting

the smart card to another location; and d) transferring the process data stored on the smart card of

step (c) to a computer at the other location or wherein said step of adjusting the process

conditions comprises: i) storing irrigation control instructions on a smart card at the remote site;

ii) transporting the smart card to the irrigation site; iii) transferring the irrigation control

instructions from the smart card to a smart card reader; iv) transferring the irrigation control

instructions from the smart card reader to a computer; v) storing the irrigation control

instructions in the computer of step (iv); and vi) adjusting the irrigation system according to the

instructions stored in step (i) in response to the process data collected in step (a).

14.   Previous rejection of CardLogix in view of Brundisini shows storing data on a smart card

followed by the remainder of the steps above as has been shown with regard to the previous

rejection of claims 7-11.

15.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to use the smart card technology as applied to claims 1-11 as the data transfer system

of Petite because Smart cards are more secure than the wireless technology applied in Petite.

Conclusion

16.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

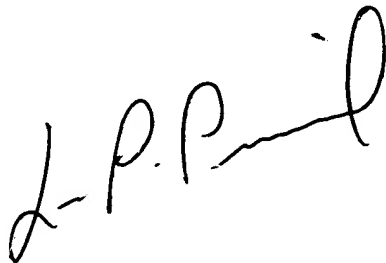CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael D Masinick whose telephone number is (571) 272-3746.

The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDM

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